

**BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM**

**EXECUTIVE SUMMARY FOR ACTION ON
COUNTY AIR POLLUTION CONTROL PROGRAM REVISION**

Agenda # II.D.1.

Agenda Item Summary: The Yellowstone County Air Pollution Control Agency (YCAPCA) requests the Board approve amendments to the Yellowstone County local air pollution control program (the program).

List of Affected Rules: The proposed action would amend the following sections of the program: Section II, *Declaration of Policy and Purpose*; Section IV, *Definitions*; Section V, *Administration*; Section VI, *Control Board, Meetings – Duties – Powers*; Section XIII, *Civil Penalties*; Section XIV, *Criminal Penalties*; and Section XVII, *Future Changes or Alterations of this Program*.

Affected Parties Summary: The proposed amendments affect the administrative structure of the program and have no substantive effect on parties regulated by the YCAPCA under the program.

Scope of Proposed Proceeding: The YCAPCA requests that the Board conduct a public hearing to consider approval of the proposed amendments to the program. The Department requests that the Board take testimony on inclusion of the amendments into the State Implementation Plan (SIP).

Background: The Yellowstone County Air Pollution Control Program is operated under regulations approved by the Board pursuant to Section 75-2-301, MCA, which states that a municipality or county may establish and administer a local air pollution control program if the program is consistent with the Clean Air Act of Montana and is approved by the Board. The present version of the regulations was approved by the Board on June 7, 2002. The proposed amendments shift the administration of the program from the existing Yellowstone County Air Pollution Control Board to the Yellowstone City-County Board of Health. In 1969 the City of Billings, the City of Laurel, and County became parties to an agreement establishing a local air pollution control program. That original agreement was modified in 1983. Recently, the Yellowstone City-County Board of Health was approached by both the City of Billings and Yellowstone County and was asked if the Board of Health would be willing to assume responsibility as the governing board of the program. The Board of Health agreed, and the City of Billings, the City of Laurel, the Town of Broadview, Yellowstone County and the Board of Health are in the process of approving a proposed Interlocal Agreement to that effect. A copy of this agreement is attached.

Hearing Information: The Department and YCAPCA request that the Board conduct a public hearing at its June 4, 2004 meeting to take comment on the proposed amendments.

Board Options: The Board may:

1. Approve the proposed amendments;
2. Disapprove the proposed amendments; or
3. Request additional information from the YCAPCA and consider the amendments at a future date.

DEQ Recommendation: The Department recommends that the Board issue an order approving the amendments.

Enclosures: The following information is attached to this summary:

1. Letter from Stewart Kirkpatrick, dated May 11, 2004, and the following attachments to that letter:
 - a. Exhibit A – Proposed changes to the program regulations; and
 - b. Exhibit B – Interlocal Agreement.
2. Draft Memorandum and Order.